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OFFICE OF PETITIONS

In re Application of
Hammarlund et al.
Application No. 10/749,271
Filed: 30 December, 2003
Attorney Docket No. 2207/17039

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ON PETITION

In re Application of
Sodani et al.
Application No. 10/749,272
Filed: 30 December, 2003
Attorney Docket No. 2207/17040

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This is a decision on the petition filed in Application No. 10/749,271 on 6 July, 2004, which is being treated as a petition under 37 CFR 1.182 to correct the files of the above-identified applications.

Applicants request that the drawings filed in Application No. 10/749,271 on 30 December, 2003, be transferred to the file of Application No. 10/749,272, and that the drawings filed in Application No. 10/749,272 on 30 December, 2003, be transferred to the file of Application No. 10/749,271, and that the applications be accorded filing dates of 30 December, 2003, with the drawings as part of the original disclosures.

Applicants' attorney, Shawn O'Dowd, explained that the specification for Application No. 10/749,271 were inadvertently filed with the drawings for Application No. 10/749,272, and that the specification for Application No. 10/749,272 was inadvertently filed with the drawings for Application No. 10/749,271.

The Office notes that the specification for Application No. 10/749,271 references Figures 1, 2, 3, 4, 5A, 5B, 6A, 6B, 6C, 7A,

7B, 7C, 8A, 8A, 8B, 8C, and 9, while drawing Figures 1, 2, 3, 4, and 5 were filed therewith. Conversely, the specification for Application No. 10/749,271 references Figures 1, 2, 3, 4, and 5, while drawing Figures 1, 2, 3, 4, 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, 8C, and 9 were filed therewith.

It is obvious that neither application was individually complete on the date of deposit, i.e., on 30 December, 2003, since the drawings described in the specifications were not received with the respective specifications. Additionally, it is noted that the application transmittal sheet for Application No. 10/749,271 references the filing of five (5) sheets of drawings and the application transmittal sheet for Application No. 10/749,272 references the filing of (7) sheets of drawings. However, in light of the contents of the brief descriptions of the drawings contained in the specifications of the respective applications, the evidence is persuasive that the drawings were misfiled.

Further, since the drawings were in fact present in the USPTO on 30 December, 2003, the applications may be accorded filing dates of 30 December, 2003, on petition under 37 CFR 1.182.

The five (5) sheets of drawings filed on 30 December, 2003, in Application No. 10/749,271 will be removed and transferred to Application No. 10/749,272.

The seven (7) sheets of drawings filed on 30 December, 2003, in Application No. 10/749,272 will be removed and transferred to Application No. 10/749,271.

Application No. 10/749,271 will be reprocessed with the seven (7) sheets of transferred drawings, containing Figures 1, 2, 3, 4, 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, 8C, and 9 filed on 30 December, 2003.

Application No. 10/749,272 will be reprocessed with the five (5) sheets of transferred drawings, containing Figures 1, 2, 3, 4, and 5 filed on 30 December, 2003.

It is noted that the specification of Application No. 10/749,271 references Figure 6C, while no such figure appears in the drawings. Figure 6C therefore appears to have been omitted from Application No. 10/749,271.

The petition is granted to the extent indicated above.

As this petition was necessitated by applicants' filing error, the petition fee will not be refunded.

The address listed on the petition is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Application No. 10/749,271 is being forwarded to the Office of Initial Patent Examination for reprocessing with a filing date of 30 December, 2003, using the seven (7) sheets of drawings containing Figures 1, 2, 3, 4, 5A, 5B, 6A, 6B, 7A, 7B, 7C, 8A, 8B, 8C, and 9 filed on 30 December, 2003.

Application No. 10/749,272 is being forwarded to the Office of Initial Patent Examination for reprocessing with a filing date of 30 December, 2003, using the five (5) sheets of drawings containing Figures 1, 2, 3, 4, and 5 filed on 30 December, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: KENYON AND KENYON
1500 K ST, N.W., SUITE 700
WASHINGTON DC 20005